

This is not the official court record. Official records of court proceedings may only be obtained directly from the court maintaining a particular record.

**Brandon Shurn v. Hurbert Brown, Big M Transportation, Inc.**

Case Number	49D11-2001-CT-003924
Court	Marion Superior Court, Civil Division 11
Type	CT - Civil Tort
Filed	01/28/2020
Status	01/28/2020 , Pending (active)

**Parties to the Case**

Defendant Brown, Hurbert

Address 1148 Pebble Lane  
Williamston, NC 27892

Attorney Erin A Clancy  
*#2196249, Lead, Retained*  
KIGHTLINGER & GRAY LLP  
One Indiana Square - Suite 300  
211 North Pennsylvania Street  
Indianapolis, IN 46204  
317-638-4521(W)

Attorney Jordan Mark Slusher  
*#3420449, Retained*  
211 N Pennsylvania St  
Suite 300  
Indianapolis, IN 46204  
317-638-4521(W)

Defendant Big M Transportation, Inc.

Address c/o Process Agent Service Company, Inc.  
Daniel Bradford, 11940 Pebblepointe Pass  
Carmel, IN 46033

Attorney Erin A Clancy  
*#2196249, Lead, Retained*  
KIGHTLINGER & GRAY LLP  
One Indiana Square - Suite 300  
211 North Pennsylvania Street  
Indianapolis, IN 46204  
317-638-4521(W)

Attorney Jordan Mark Slusher  
*#3420449, Retained*  
211 N Pennsylvania St  
Suite 300  
Indianapolis, IN 46204  
317-638-4521(W)

Plaintiff Shurn, Brandon

EXHIBIT B

Address 8452 Wanda Lake Drive  
Camby, IN 46113

Attorney Brad Smith  
*#2278347, Retained*  
104 Franklin Road  
Bloomington, IN 47404  
812-332-9451(W)

## Chronological Case Summary

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01/28/2020 **Case Opened as a New Filing**

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01/28/2020 **Appearance Filed**

Appearance

For Party: Shurn, Brandon

File Stamp: 01/28/2020

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01/28/2020 **Subpoena/Summons Filed**

Summons to Hurbert Brown

Filed By: Shurn, Brandon

File Stamp: 01/28/2020

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01/28/2020 **Subpoena/Summons Filed**

Summons to Big M Transportation, inc.

Filed By: Shurn, Brandon

File Stamp: 01/28/2020

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01/28/2020 **Complaint/Equivalent Pleading Filed**

Complaint for Damages

Filed By: Shurn, Brandon

File Stamp: 01/28/2020

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02/04/2020 **Service Returned Served (E-Filing)**

Return of Service for Big M Transportation

Filed By: Shurn, Brandon

File Stamp: 02/04/2020

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02/10/2020 **Appearance Filed**

Appearance of Erin Clancy and Jordan Slusher

For Party: Brown, Hurbert

For Party: Big M Transportation, Inc.

File Stamp: 02/10/2020

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02/10/2020 **Motion for Enlargement of Time Filed**

Motion for Extension

Filed By: Brown, Hurbert

Filed By: Big M Transportation, Inc.

File Stamp: 02/10/2020

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02/10/2020 **Order Granting Motion for Enlargement of Time**

Judicial Officer: Hanley, John F

Order Signed: 02/10/2020

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02/11/2020 **Automated ENotice Issued to Parties**

Order Granting Motion for Enlargement of Time ---- 2/10/2020 : Brad Smith;Erin A Clancy;Jordan Mark Slusher

**Financial Information**

\* Financial Balances reflected are current representations of transactions processed by the Clerk's Office. Please note that any balance due does not reflect interest that has accrued – if applicable – since the last payment. For questions/concerns regarding balances shown, please contact the Clerk's Office.

**Shurn, Brandon**

Plaintiff

Balance Due (as of 02/25/2020)

**0.00****Charge Summary**

Description	Amount	Credit	Payment
Court Costs and Filing Fees	157.00	0.00	157.00

**Transaction Summary**

Date	Description	Amount
01/28/2020	Transaction Assessment	157.00
01/28/2020	Electronic Payment	(157.00)

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EXHIBIT B

STATE OF INDIANA        )  
                                  ) SS:  
COUNTY OF MARION    )  
                                  CAUSE NO.

BRANDON SHURN

VS.

HURBERT BROWN and  
BIG M TRANSPORTATION, INC.

### **COMPLAINT FOR DAMAGES**

Comes now the Plaintiff, Brandon Shurn, by counsel, Bradford J. Smith of Ken Nunn Law Office, and for his cause of action against the Defendants, Hurbert Brown and Big M Transportation, Inc., alleges and states as follows:

### **STATEMENT AND JURISDICTION**

1. This is a clear liability collision in which Defendants' 2018 Volvo tractor and attached trailer, was negligently driven by Hurbert Brown causing a collision with the vehicle driven by Plaintiff, Brandon Shurn. As a result of the collision, Plaintiff has incurred medical expenses, lost wages, property damage including, but not limited to, diminished value, and other special expenses in an amount to be proven at trial of this cause.

2. Jurisdiction and venue are appropriate in Marion County, Indiana, as said collision occurred within the boundaries of Marion County, State of Indiana.

### **FIRST CAUSE OF ACTION**

#### **NEGLIGENCE OF HURBERT BROWN**

3. Plaintiff realleges and incorporates herein by reference paragraphs 1 through 2 above as if fully restated verbatim.

4. On or about October 7, 2019 Defendant Hurbert Brown negligently drove a tractor-trailer striking the vehicle driven by Plaintiff, Brandon Shurn.

5. Defendant Hurbert Brown had a duty to operate his tractor trailer in a safe and reasonable manner.

EXHIBIT B

6. Defendant Hurbert Brown failed in the above mentioned duties and is therefore negligent.

7. Defendant Hurbert Brown's negligence was the direct and proximate cause of Plaintiff's injuries.

8. Plaintiff Brandon Shurn's injuries and damages are permanent.

9. As a direct and proximate result of Hurbert Brown's negligence, Brandon Shurn has suffered lost wages.

10. Plaintiff, Brandon Shurn, has incurred medical bills for the treatment of his injuries directly resulting from this collision.

11. As a direct and proximate result of Hurbert Brown's negligence, Brandon Shurn has experienced physical and mental pain and suffering, lost wages, property damage including, but not limited to, diminished value, and has lost the ability to perform usual activities, resulting in a diminished quality of life.

## **SECOND CAUSE OF ACTION**

### **NEGLIGENCE PER SE OF HURBERT BROWN**

12. Plaintiff realleges and incorporates herein by reference paragraphs 1 through 11 above as if fully restated verbatim.

13. Hurbert Brown violated state and federal statutes and regulations including but not limited to Title 9 of the Indiana Code.

14. Defendant Hurbert Brown's statutory violations directly and proximately caused Plaintiff's damages and injuries.

15. Defendant Hurbert Brown is negligent per se based on these statutory and regulatory violations.

## **THIRD CAUSE OF ACTION**

### **RESPONDEAT SUPERIOR OF BIG M TRANSPORTATION, INC.**

16. Plaintiff realleges and incorporates herein by reference paragraphs 1

through 15 above as if fully restated verbatim.

17. Defendant Hurbert Brown was the employee, agent, servant, or independent contractor for Big M Transportation, Inc. Accordingly, Big M Transportation, Inc. is vicariously liable for the acts of Defendant Hurbert Brown for the causes of action above.

WHEREFORE, the Plaintiff, Brandon Shurn, by counsel Bradford J. Smith of Ken Nunn Law Office, demand judgment against the Defendants, Hurbert Brown and Big M Transportation, Inc. for permanent injuries in a reasonable amount to be determined at the trial of this cause, for medical expenses, lost wages, property damage including, but not limited to, diminished value, and other special expenses, court costs and all other just and proper relief in the premises.

KEN NUNN LAW OFFICE

BY: s/ Bradford J. Smith

Bradford J. Smith, #22783-47

KEN NUNN LAW OFFICE

104 South Franklin Road

Bloomington, IN 47404

Phone: (812) 332-9451

Fax: (812) 331-5321

E-mail: [brads@kennunn.com](mailto:brads@kennunn.com)

### **REQUEST FOR TRIAL BY JURY**

Comes now the plaintiff, by counsel, Ken Nunn Law Office, and requests that this matter be tried by jury pursuant to Trial Rule 38.

KEN NUNN LAW OFFICE

BY: s/ Bradford J. Smith

Bradford J. Smith, #22783-47

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104 South Franklin Road

Bloomington, IN 47404

Phone: (812) 332-9451

Fax: (812) 331-5321

E-mail: [brads@kennunn.com](mailto:brads@kennunn.com)

Bradford J. Smith, #22783-47

Ken Nunn Law Office

104 South Franklin Road

Bloomington, IN 47404

Telephone: 812-332-9451

Fax Number: 812-331-5321

Attorney for Plaintiff

**APPEARANCE FORM (CIVIL)****Initiating Party**

CAUSE NO:	
1. Name of first initiating party	Brandon Shurn 8452 Wanda Lake Drive Camby, IN 46113
2. Telephone of pro se initiating party	NA
3. Attorney information (as applicable for service of process)	Bradford J. Smith #22783-47 Ken Nunn Law Office 104 South Franklin Road Bloomington, IN 47404 PHONE: 812 332-9451 FAX: 812 331-5321 Email: bjsmith@kennunn.com
4. Case type requested	CT (Civil Tort)
5. Will accept FAX service	YES
6. Are there related cases	NO
7. Additional information required by State or Local Rules	
Continuation of Item 1 (Names of initiating parties)	NAME: NAME:
Continuation of Item 3 (Attorney information as applicable for service of process)	

s/Bradford J. Smith  
Attorney-at-Law  
(Attorney information shown above.)



## Marion Superior Court, Civil Division 11

CIRCUIT/SUPERIOR COURTS FOR THE COUNTY OF MARION  
STATE OF INDIANA  
CITY COUNTY BUILDING, 200 E. WASHINGTON STREET  
INDIANAPOLIS, INDIANA 46204  
TELEPHONE 317 327-4740

Brandon Shurn

Plaintiff(s)

VS.

No. \_\_\_\_\_

Hurbert Brown and Big M Transportation, Inc.

Defendant(s)

### SUMMONS

The State of Indiana to Defendant: **Hurbert Brown, 1148 Pebble Lane, Williamston, NC 27892**

You have been sued by the person(s) named "plaintiff" in the court stated above.

The nature of the suit against you is stated in the complaint which is attached to this document. It also states the demand which the plaintiff has made and wants from you.

You must answer the complaint in writing, by you or your attorney, within Twenty (20) days, commencing the day after you receive this summons, or judgment will be entered against you for what the plaintiff has demanded. You have twenty-three (23) days to answer if this summons was received by mail. **Such Answer Must Be Made In Court.**

If you have a claim for relief against the plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

1/28/2020

Date: \_\_\_\_\_



*Myra A. Eldridge*

CLERK, MARION CIRCUIT/SUPERIOR COURTS

BRADFORD J. SMITH, #22783-47  
ATTORNEY FOR PLAINTIFF  
KEN NUNN LAW OFFICE  
104 FRANKLIN ROAD  
BLOOMINGTON, IN 47404

### ACKNOWLEDGMENT OF SERVICE OF SUMMONS

A copy of the above summons and a copy of the complaint attached thereto were received by me at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
SIGNATURE OF DEFENDANT

PRAECIPE: I designate the following mode of service to be used by the Clerk.

- XX By certified or registered mail with return receipt to above address.
- ☐ By Sheriff delivering a copy of summons and complaint personally to defendant or by leaving a copy of the summons and complaint at his dwelling house or usual place of abode with some person of suitable age and discretion residing therein.
- ☐ By \_\_\_\_\_ delivering a copy of summons and complaint personally to defendant or by leaving a copy of the summons and complaint at his dwelling house or usual place of abode.
- ☐ By serving his agent as provided by rule, statute or valid agreement, to-wit:

KEN NUNN LAW OFFICE

BY: s/ BRADFORD J. SMITH  
ATTORNEY FOR PLAINTIFF

EXHIBIT B

**CERTIFICATE OF MAILING:** I certify that on the \_\_\_ day of \_\_\_\_\_, 2020, I mailed a copy of this summons and a copy of the complaint to each of the defendant(s) by (registered or certified mail requesting a return receipt signed by the addressee only, addressed to each of said defendant(s) at the address(es) furnished by plaintiff.

Dated this \_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
CLERK, MARION CIRCUIT/SUPERIOR COURTS

**RETURN OF SERVICE OF SUMMONS BY MAIL:** I hereby certify that service of summons with return receipt requested was mailed on the \_\_\_ day of \_\_\_\_\_, 2020, and that a copy of the return of receipt was received by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, which copy is attached herewith.

\_\_\_\_\_  
CLERK, MARION CIRCUIT/SUPERIOR COURTS

**CERTIFICATE OF CLERK OF SUMMONS NOT ACCEPTED BY MAIL:** I hereby certify that on the \_\_\_ day of \_\_\_\_\_, 2020, I mailed a copy of this summons and a copy of the complaint to the defendant(s) by (registered or certified) mail, and the same was returned without acceptance this \_\_\_ day of \_\_\_\_\_, 2020, and I did deliver said summons and a copy of the complaint to the Sheriff of MARION County, Indiana.

Dated this \_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
CLERK, MARION CIRCUIT/SUPERIOR COURTS

**RETURN OF SUMMONS:** This summons came to hand on the \_\_\_ day of \_\_\_\_\_, 2020, and I served the same on the \_\_\_ day of \_\_\_\_\_, 2020.

1. By mailing a copy of the summons and complaint personally to \_\_\_\_\_ address \_\_\_\_\_.
2. By delivering a copy of summons and complaint personally to \_\_\_\_\_.
3. By leaving a copy of the summons and complaint at \_\_\_\_\_ the dwelling house or usual place of abode of defendant: \_\_\_\_\_ (Name of Person) and by mailing by first class mail a copy of the summons on the \_\_\_ day of \_\_\_\_\_, 2020 to \_\_\_\_\_ his last known address.
4. By serving his agent as provided by rule, statute or valid agreement to-wit: \_\_\_\_\_.
5. Defendant cannot be found in my bailwick and summons was not served.

And I now return this writ this \_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
SHERIFF or DEPUTY

**RETURN ON SERVICE OF SUMMONS:** I hereby certify that I have served the within summons:

1. By delivery on the \_\_\_ day of \_\_\_\_\_, 2020 a copy of this summons and a copy of the complaint to each of the within named defendant(s) \_\_\_\_\_.
2. By leaving on the \_\_\_ day of \_\_\_\_\_, 2020 for each of the within named defendant(s) \_\_\_\_\_, a copy of the summons and a copy of the complaint at the respective dwelling house or usual place of abode with \_\_\_\_\_ a person of suitable age and discretion residing therein whose usual duties or activities include prompt communication of such information to the person served.
3. \_\_\_\_\_ and by mailing a copy of the summons without the complaint to \_\_\_\_\_ at \_\_\_\_\_ the last known address of defendant(s).

All done in MARION County, Indiana.

Fees: \$ \_\_\_\_\_

\_\_\_\_\_  
SHERIFF or DEPUTY

EXHIBIT B

CIRCUIT/SUPERIOR COURTS FOR THE COUNTY OF MARION  
STATE OF INDIANA  
CITY COUNTY BUILDING, 200 E. WASHINGTON STREET  
INDIANAPOLIS, INDIANA 46204  
TELEPHONE 317 327-4740

Brandon Shurn

Plaintiff(s)

VS.

No. \_\_\_\_\_

Hurbert Brown and Big M Transportation, Inc. (US DOT #911405)

Defendant(s)

**SUMMONS**

The State of Indiana to Defendant: **Big M Transportation, Inc., c/o Process Agent Service Company, Inc., Daniel Bradford, 11940 Pebblepointe Pass, Carmel, IN 46033**

You have been sued by the person(s) named "plaintiff" in the court stated above.

The nature of the suit against you is stated in the complaint which is attached to this document. It also states the demand which the plaintiff has made and wants from you.

You must answer the complaint in writing, by you or your attorney, within Twenty (20) days, commencing the day after you receive this summons, or judgment will be entered against you for what the plaintiff has demanded. You have twenty-three (23) days to answer if this summons was received by mail. **Such Answer Must Be Made In Court.**

If you have a claim for relief against the plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

1/28/2020

Date: \_\_\_\_\_

BRADFORD J. SMITH, #22783-47  
ATTORNEY FOR PLAINTIFF  
KEN NUNN LAW OFFICE  
104 FRANKLIN ROAD  
BLOOMINGTON, IN 47404



*Myla A. Eldridge*

CLERK, MARION CIRCUIT/SUPERIOR COURTS

**ACKNOWLEDGMENT OF SERVICE OF SUMMONS**

A copy of the above summons and a copy of the complaint attached thereto were received by me at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
SIGNATURE OF DEFENDANT

PRAECIPE: I designate the following mode of service to be used by the Clerk.

- XX By certified or registered mail with return receipt to above address.
- ☐ By Sheriff delivering a copy of summons and complaint personally to defendant or by leaving a copy of the summons and complaint at his dwelling house or usual place of abode with some person of suitable age and discretion residing therein.
- ☐ By \_\_\_\_\_ delivering a copy of summons and complaint personally to defendant or by leaving a copy of the summons and complaint at his dwelling house or usual place of abode.
- ☐ By serving his agent as provided by rule, statute or valid agreement, to-wit:

KEN NUNN LAW OFFICE

BY: s/ BRADFORD J. SMITH  
ATTORNEY FOR PLAINTIFF

EXHIBIT B

CERTIFICATE OF MAILING: I certify that on the \_\_\_ day of \_\_\_\_\_, 2020, I mailed a copy of this summons and a copy of the complaint to each of the defendant(s) by (registered or certified mail requesting a return receipt signed by the addressee only, addressed to each of said defendant(s) at the address(es) furnished by plaintiff.

Dated this \_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
CLERK, MARION CIRCUIT/SUPERIOR COURTS

**RETURN OF SERVICE OF SUMMONS BY MAIL:** I hereby certify that service of summons with return receipt requested was mailed on the \_\_\_ day of \_\_\_\_\_, 2020, and that a copy of the return of receipt was received by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, which copy is attached herewith.

\_\_\_\_\_  
CLERK, MARION CIRCUIT/SUPERIOR COURTS

**CERTIFICATE OF CLERK OF SUMMONS NOT ACCEPTED BY MAIL:** I hereby certify that on the \_\_\_ day of \_\_\_\_\_, 2020, I mailed a copy of this summons and a copy of the complaint to the defendant(s) by (registered or certified) mail, and the same was returned without acceptance this \_\_\_ day of \_\_\_\_\_, 2020, and I did deliver said summons and a copy of the complaint to the Sheriff of MARION County, Indiana.

Dated this \_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
CLERK, MARION CIRCUIT/SUPERIOR COURTS

**RETURN OF SUMMONS:** This summons came to hand on the \_\_\_ day of \_\_\_\_\_, 2020, and I served the same on the \_\_\_ day of \_\_\_\_\_, 2020.

1. By mailing a copy of the summons and complaint personally to \_\_\_\_\_ address \_\_\_\_\_.
2. By delivering a copy of summons and complaint personally to \_\_\_\_\_.
3. By leaving a copy of the summons and complaint at \_\_\_\_\_ the dwelling house or usual place of abode of defendant: \_\_\_\_\_ (Name of Person) and by mailing by first class mail a copy of the summons on the \_\_\_ day of \_\_\_\_\_, 2020 to \_\_\_\_\_ his last known address.
4. By serving his agent as provided by rule, statute or valid agreement to-wit: \_\_\_\_\_.
5. Defendant cannot be found in my bailwick and summons was not served.

And I now return this writ this \_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
SHERIFF or DEPUTY

**RETURN ON SERVICE OF SUMMONS:** I hereby certify that I have served the within summons:

1. By delivery on the \_\_\_ day of \_\_\_\_\_, 2020 a copy of this summons and a copy of the complaint to each of the within named defendant(s) \_\_\_\_\_.
2. By leaving on the \_\_\_ day of \_\_\_\_\_, 2020 for each of the within named defendant(s) \_\_\_\_\_, a copy of the summons and a copy of the complaint at the respective dwelling house or usual place of abode with \_\_\_\_\_ a person of suitable age and discretion residing therein whose usual duties or activities include prompt communication of such information to the person served.
3. \_\_\_\_\_ and by mailing a copy of the summons without the complaint to \_\_\_\_\_ at \_\_\_\_\_ the last known address of defendant(s).

All done in MARION County, Indiana.

Fees: \$ \_\_\_\_\_

\_\_\_\_\_  
SHERIFF or DEPUTY

EXHIBIT B

Mailer: Ken Nunn Law Office

Date Produced: 02/03/2020

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8305 0878 38. Our records indicate that this item was delivered on 01/31/2020 at 11:14 a.m. in CARMEL, IN 46033. The scanned image of the recipient information is provided below.

Signature of Recipient :

  
Susan Bradford

Address of Recipient :

  
11940 Pebblepointe Pass

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,  
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

BIG M TRANSPORTATION INC  
DANIEL BRADFORD  
C/O: PROCESS AGENT SERVICE COMPANY INC  
11940 PEBBLEPOINTE PASS  
CARMEL IN 46033-9673

Customer Reference Number: C1880414.10752897

Return Reference Number: 39206

EXHIBIT B

MAILING DATE: 01/29/2020

DELIVERED DATE: 01/31/2020

CUSTOM1:

MAIL PIECE DELIVERY INFORMATION:

BIG M TRANSPORTATION INC  
DANIEL BRADFORD  
C/O: PROCESS AGENT SERVICE COMPANY INC  
11940 PEBBLEPOINTE PASS  
CARMEL IN 46033-9673

MAIL PIECE TRACKING EVENTS:

01/29/2020 07:25	PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	BLOOMINGTON,IN 47404
01/30/2020 06:56	ORIGIN ACCEPTANCE	BLOOMINGTON,IN 47404
01/30/2020 08:11	PROCESSED THROUGH USPS FACILITY	INDIANAPOLIS,IN 46206
01/31/2020 11:14	DELIVERED LEFT WITH INDIVIDUAL	CARMEL,IN 46033

STATE OF INDIANA                    )       IN THE MARION COUNTY SUPERIOR COURT 11  
  ) SS:  
COUNTY OF MARION                )       CAUSE NO. 49D11-2001-CT-003924

BRANDON SHURN,                    )  
  )  
          Plaintiff,                    )  
  )  
vs.                                        )  
  )  
HURBERT BROWN and                )  
BIG M TRANSPORTATION, INC.,     )  
  )  
          Defendants.                    )

**APPEARANCE FORM (CIVIL)  
RESPONDING PARTY**

1. Please enter my appearance for:

**HURBERT BROWN AND BIG M TRANSPORTATION, INC.**

2. Attorney information (as applicable for service of process):

Name:	Erin A. Clancy	Atty. Number: 21962-49
	Jordan M. Slusher	Atty. Number: 34204-49
Address:	Kightlinger & Gray, LLP	Phone: 317/638-4521
	211 N. Pennsylvania Street	FAX: 317/636-5917
	Suite 300	Computer address:
	Indianapolis, Indiana 46204	<a href="mailto:eclancy@k-glaw.com">eclancy@k-glaw.com</a>
		<a href="mailto:jslusher@k-glaw.com">jslusher@k-glaw.com</a>

3. Will responding party accept FAX service: Yes \_\_\_\_ No ☒ X

4. Additional information required by state or local rule:

KIGHTLINGER & GRAY, LLP

By: /s/Erin A. Clancy

Erin A. Clancy, I.D. No. 21962-49

Jordan M. Slusher, I.D. No. 34204-49

*Attorney for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 10<sup>th</sup> day of February, 2020, the foregoing was electronically filed with the Marion County Superior Court 11 and was served – through the Court’s E-Filing system – on the following:

Bradford J. Smith  
KEN NUNN LAW OFFICE  
104 South Franklin Road  
Bloomington, IN 47404  
[brads@kennunn.com](mailto:brads@kennunn.com)  
*Attorney for Plaintiff*

/s/Erin A. Clancy

Erin A. Clancy

KIGHTLINGER & GRAY, LLP  
One Indiana Square, Suite 300  
211 N. Pennsylvania Street  
Indianapolis, IN 46204  
(317) 638-4521  
[Eclancy@k-glax.com](mailto:Eclancy@k-glax.com)



STATE OF INDIANA                     )             IN THE MARION COUNTY SUPERIOR COURT 11  
   ) SS:  
COUNTY OF MARION                 )             CAUSE NO. 49D11-2001-CT-003924

BRANDON SHURN,                     )  
   )  
                   Plaintiff,                 )  
   )  
vs.   )  
   )  
HURBERT BROWN and                 )  
BIG M TRANSPORTATION, INC.,     )  
   )  
                   Defendants.             )

**DEFENDANTS' MOTION FOR EXTENSION OF TIME TO RESPOND TO  
PLAINTIFF'S COMPLAINT FOR DAMAGES**

Defendants Hurbert Brown and Big M Transportation, Inc. ("Defendants"), by counsel, respectfully move the Court for an extension of time of 30 days up to and including March 24, 2020, in which to file a responsive pleading to Plaintiff's Complaint for Damages. In support of said Motion, Defendants show the Court:

1. That Plaintiff's Complaint for Damages was filed with the Court on January 28, 2020. Defendants were served via certified mail on January 31, 2020, thereby making Defendants' response due no earlier than February 23, 2020.
2. Defendants respectfully request an initial enlargement of time of thirty (30) days or to and including March 24, 2020, within which to answer or otherwise respond to Plaintiff's Complaint for Damages.
3. This request for an enlargement of time is not made for the purposes of delay, but rather to allow time for Defendants' counsel to prepare a proper response to Plaintiff's Complaint for Damages.

4. Counsel for Defendants contacted counsel for Plaintiffs who has not yet responded to voice an objection to the filing of this motion.

WHEREFORE, Defendants Hurbert Brown and Big M Transportation, Inc., prays that the time for filing a responsive pleading to the Plaintiff's Complaint for Damages be extended for a period of thirty (30) days, up to and including March 24, 2020.

KIGHTLINGER & GRAY, LLP

By: /s/Erin A. Clancy  
Erin A. Clancy, I.D. No. 21962-49  
Jordan M. Slusher, I.D. No. 34204-49  
*Attorney for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 10<sup>th</sup> day of February, 2020, the foregoing was electronically filed with the Marion County Superior Court 11 and was served – through the Court's E-Filing system – on the following:

Bradford J. Smith  
KEN NUNN LAW OFFICE  
104 South Franklin Road  
Bloomington, IN 47404  
[brads@kennunn.com](mailto:brads@kennunn.com)  
*Attorney for Plaintiff*

/s/Erin A. Clancy  
Erin A. Clancy

KIGHTLINGER & GRAY, LLP  
One Indiana Square, Suite 300  
211 N. Pennsylvania Street  
Indianapolis, IN 46204  
(317) 638-4521  
[Eclancy@k-glawn.com](mailto:Eclancy@k-glawn.com)

STATE OF INDIANA                    )  
  ) SS:  
COUNTY OF MARION                )  
  )  
BRANDON SHURN,                    )  
  )  
                  Plaintiff,                )  
  )  
vs.                                        )  
  )  
HURBERT BROWN and                )  
BIG M TRANSPORTATION, INC.,    )  
  )  
                  Defendants.            )

IN THE MARION COUNTY SUPERIOR COURT 11  
CAUSE NO. 49D11-2001-CT-003924

**FILED**  
February 10, 2020  
*Myla R. Eldridge*  
CLERK OF THE COURT  
MARION COUNTY  
JM

**ORDER ON EXTENSION OF TIME**

This cause came before the Court upon the Motion of the Defendants for a Motion for Extension of Time to respond to Plaintiff's Complaint for Damages.

The Court, having considered said Motion and, being duly advised in the premises, now GRANTS the same, and

THEREFORE, IT IS ORDERED that the Defendants Hurbert Brown and Big M Transportation, Inc., may have an extension of time of thirty (30) days, up to and including March 24, 2020, within which to answer or otherwise plead to Plaintiff's Complaint for Damages.

DATED: February 10, 2020

  
\_\_\_\_\_  
Judge, Marion County Superior Court 11

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